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California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

BRANDON GREGORY FRIEND and  
MICHAEL EDWARD LUMARY,

Defendants and Appellants.

G039675

(Super. Ct. No. 04HF1205)

ORDER MODIFYING OPINION  
AND DENYING PETITIONS FOR  
REHEARING; NO CHANGE IN  
JUDGMENT

It is ordered that the opinion filed on March 11, 2010 be modified in the following particulars only:

On page 3, delete the first full paragraph beginning with “As a preliminary matter” and ending with “the issues on appeal.”

Beginning on page 6 and continuing on page 7, delete the sentence beginning with “He also asserts” and ending with “an opponent’s witnesses” and replace it with the following so the sentence reads:

“He also asserts the prosecutor’s attempted contact of Otto was unethical, although he does not cite the Rules of Professional Conduct until the reply brief.”

The modification does not change the judgment.

The petitions for rehearing filed by both appellants are DENIED.

RYLAARSDAM, J.

WE CONCUR:

SILLS, P. J.

FYBEL, J.